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## INVOICE

STEPHANIE J. MESSNER, PRO SE  
STEPHANIE J. MESSNER, PRO SE  
447 4TH AVE.  
GARWOOD NJ 07027

INVOICE #: 20230505112813  
AMOUNT DUE: \$80.00  
DUE DATE: 6/4/2023

PAID

WE RESERVE THE RIGHT TO CHARGE 18% APR INTEREST (0.049315% DPR PAST THE DUE DATE) ON ALL UNPAID BALANCES.

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AMOUNT DUE: \$80.00	INVOICE#: 20230505112813	INVOICE DATE: 5/5/2023
ATTORNEY:	STEPHANIE J. MESSNER, PRO SE	
FIRM:	STEPHANIE J. MESSNER, PRO SE	
PLAINTIFF:	STEPHANIE MESSNER	
DEFENDANT:	WEINGARTEN, ET AL	
DOCKET#:	3 19 CV 15752 MAS RLS	CLAIM#:
ENTITY SERVED:	SOMERSET COUNTY JAIL, ATTN: DEPUTY WARDEN KIM WILLIAMS	
SERVED WITH:	SUBPOENA TO PRODUCE,	
SERVED DATE:	5/5/2023	COURT DATE: 5/4/2023

ATTENDANCE FEE:	\$0.00
SERVICE FEE:	\$75.00
MILEAGE FEE:	\$0.00
PRIORITY FEE:	\$0.00
PICKUP FEE:	\$0.00
INCORRECT ADDRESS FEE:	\$0.00
DOCUSIGN FEE:	\$5.00
CASH ATTACHED:	\$0.00
WAIT TIME 0.00	\$0.00
VIDEO/MISC. FEE:	\$0.00
TOTAL:	\$80.00

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AO 88 (11/91) Subpoena in a Civil Case

## PROOF OF SERVICE



20230505112813

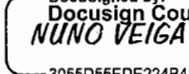
<b>SERVED</b>	<b>DATE:</b> 5/5/2023 12:48 PM	<b>PLACE:</b> 40 GROVE ST. SOMERVILLE NJ 08876
<b>SERVED ON:</b> SOMERSET COUNTY JAIL, ATTN: DEPUTY WARDEN KIM WILLIAMS <b>ACCEPTED BY:</b> LT. CARRUBE <b>RELATIONSHIP/TITLE:</b> POLICE OFFICER		<b>MANNER OF SERVICE:</b> RULE 45, FEDERAL CIVIL RULE <b>SERVING:</b> SUBPOENA TO PRODUCE,
<b>SERVED BY</b> <b>NUNO VEIGA</b>		<b>TITLE</b> <b>PROCESS SERVER</b>

## DECLARATION OF SERVER

Description of Person Receiving Document(s):

SEX: M AGE: 36-50 HEIGHT: 5'4"-5'8" WEIGHT: 161-200 LBS. SKIN: WHITE HAIR: BALD OTHER: \_\_\_\_\_

[X] To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service.  
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Certification of Service is true and correct.

DocuSign by:  
  
 DocuSign Court Approved E-Signature  
 NUNO VEIGA  
 3055D55EDE224B4 L.S.

SIGNATURE OF NUNO VEIGA  
 GUARANTEED SUBPOENA SERVICE, INC.  
 2009 MORRIS AVENUE  
 UNION, NJ 07083

EXECUTED ON: 5/5/2023 12:48 PM

ATTORNEY: STEPHANIE J. MESSNER, PRO SE  
 PLAINTIFF: STEPHANIE MESSNER  
 DEFENDANT: WEINGARTEN, ET AL  
 VENUE: DISTRICT  
 DOCKET: 3 19 CV 15752 MAS RLS  
 FEE: 0.00

Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D:

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;  
 (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person,

except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or  
 (iv) subjects a person to undue burden.

## (B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events of occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assure that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

## (d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

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# Paid

## INVOICE

STEPHANIE J. MESSNER, PRO SE  
STEPHANIE J. MESSNER, PRO SE  
447 4TH AVE.  
GARWOOD NJ 07027

INVOICE #: 20230505110150  
AMOUNT DUE: \$80.00  
DUE DATE: 6/8/2023

**WE RESERVE THE RIGHT TO CHARGE 18% APR INTEREST (0.049315% DPR PAST THE DUE DATE) ON ALL UNPAID BALANCES.**

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AMOUNT DUE: \$80.00	INVOICE#: 20230505110150	INVOICE DATE: 5/9/2023
ATTORNEY:	STEPHANIE J. MESSNER, PRO SE	
FIRM:	STEPHANIE J. MESSNER, PRO SE	
PLAINTIFF:	STEPHANIE MESSNER	
DEFENDANT:	WEINGARTEN, ET AL	
DOCKET#:	3 19 CV 15752 MAS RLS	CLAIM#:
ENTITY SERVED:	SOMERSET COUNTY JAIL, ATTN: WARDEN PAUL A. KAMINSKI	
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ATTENDANCE FEE:	\$0.00
SERVICE FEE:	\$75.00
MILEAGE FEE:	\$0.00
PRIORITY FEE:	\$0.00
PICKUP FEE:	\$0.00
INCORRECT ADDRESS FEE:	\$0.00
DOCUSIGN FEE:	\$5.00
CASH ATTACHED:	\$0.00
WAIT TIME 0.00	\$0.00
VIDEO/MISC. FEE:	\$0.00
TOTAL:	\$80.00

PAYMENT SENT ON:  /  /

AMOUNT PAID:  ,  .

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AO 88 (11/91) Subpoena in a Civil Case

## PROOF OF SERVICE



20230505110150

SERVED	DATE: 5/8/2023 12:53 PM	PLACE: 20 GROVE ST SOMERVILLE NJ	
SERVED ON: SOMERSET COUNTY JAIL, ATTN: WARDEN PAUL A. KAMINSKI ACCEPTED BY: J. MURRAY RELATIONSHIP/TITLE: POLICE OFFICER		MANNER OF SERVICE: RULE 45, FEDERAL CIVIL RULE SERVING: SUBPOENA TO PRODUCE,	
SERVED BY <u>NUNO VEIGA</u>		TITLE <u>PROCESS SERVER</u>	

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SEX: M AGE: 36-50 HEIGHT: OVER 6' WEIGHT: OVER 200 LBS. SKIN: WHITE HAIR: GRAY OTHER: \_\_\_\_\_

[X] To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service.  
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Certification of Service is true and correct.

DocuSign By: NUNO VEIGA  
DocuSign Court Approved E-Signature  
2F31D867BDD44E6 L.S.

SIGNATURE OF NUNO VEIGA  
GUARANTEED SUBPOENA SERVICE, INC.  
2009 MORRIS AVENUE  
UNION, NJ 07083

EXECUTED ON: 5/8/2023 12:53 PM

ATTORNEY: STEPHANIE J. MESSNER, PRO SE  
PLAINTIFF: STEPHANIE MESSNER  
DEFENDANT: WEINGARTEN, ET AL  
VENUE: DISTRICT  
DOCKET: 3 19 CV 15752 MAS RLS  
FEE: 0.00

## Attempts

5/5/2023 12:49:46 PM

5/5/2023 12:57:14 PM

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Done

4 of 4

2/5/2019  
Transcript  
Judge Bury

93

1 Number four plaintiff's application for  
2 compensatory time and any other relief not addressed  
3 today which is the subject of her 12-18-18  
4 modification application shall be addressed at the  
5 time of hearing on defendant's cross modification  
6 application. I know we call it a cross motion in all  
7 of the dockets, but the FD, they use that  
8 terminology -- comma, just filed yesterday, comma, on a  
9 date to be scheduled by the court.  
10 Unless, Maria, you want to give that date  
11 right now.  
12 COURT STAFF: Judge, your availability  
13 (indiscernible).  
14 THE COURT: It won't be until March.  
15 COURT STAFF: Near the end of March.  
16 THE COURT: Near the end of March.  
17 COURT STAFF: March 25th, Judge? Or March  
18 26th? If counsel want to check their schedules now.  
19 MR. GEIST: Your Honor?  
20 THE COURT: 25 or 26?  
21 MR. GEIST: My only conflict that week is I  
22 have a two day plenary hearing in Essex County on March  
23 25 and 26th. I'm available the rest of that week. The  
24 27th, 28th or 29th.  
25 THE COURT: Monday and Tuesdays are the

94

1 days that we're relegated to FD docket.  
2 MR. GEIST: If I could ask for the  
3 following Monday and Tuesday, April 1st or 2nd?  
4 THE COURT: We can. Okay.  
5 Mr. Gussis, it's Monday or Tuesday --  
6 MR. GUSSIS: April Fool's Day is fine.  
7 Judge. ~~THE COURT: April 1st, it shall be.~~ Okay.  
8 THE COURT: April 1st, it shall be. Okay.  
9 Maria, I'm only going to ask that -- maybe  
10 we should set this for like 11 a.m. so we can get  
11 started in the morning, and to the extent that we're  
12 not finished, then I know we'll have sufficient time in  
13 the afternoon to complete it. Okay?  
14 But I don't want you coming in at 8:30,  
15 because I know we're not going to get started right  
16 away.  
17 MR. GEIST: Thank you.  
18 THE COURT: So make it 11.  
19 MR. GEIST: Thank you.  
20 THE COURT: Okay?  
21 COURT STAFF: Judge, can I just ask -- I  
22 know this is his cross-app, but since it's two months  
23 away, is there anything else that we can address on  
24 that day regarding the parenting coordinator? Are  
25 there any other deadlines that your Honor is going to

95

1 put in place?  
2 THE COURT: I just gave you a deadline for  
3 the parenting coordinator.  
4 COURT STAFF: Correct.  
5 THE COURT: Right.  
6 COURT STAFF: Right.



1

1

1 SUPERIOR COURT OF NEW JERSEY  
2 LAW DIVISION: FAMILY  
3 SOMERSET COUNTY  
DOCKET NO. FD-18-340-01

4 -----  
5 STEPHANIE J. MESSNER,  
6 Plaintiff, AUDIO TRANSCRIPT  
7 vs. OF  
8 MIKLOS HAJDU-NEMETH, MOTIONS  
9 Defendant.  
10 -----

11 PLACE: Somerset County Courthouse  
12 20 North Bridge Street  
13 Somerville, New Jersey  
14 DATE: February 5, 2019

15 BEFORE:  
16 HONORABLE BRADFORD BURY, J.S.C.

17 TRANSCRIPT ORDERED BY:  
18 STEPHANIE J. MESSNER  
19 447 4TH Avenue  
20 Garwood, NJ 07027

21 APPEARANCES:  
22 JARED GEIST, ESQ.  
23 Law Office of Jared Geist  
24 For Plaintiff  
25 GEORGE G. GUSSIS, ESQ.  
Law Office of George G. Gussis  
For Defendant

26 PATRICIA A. BRILL, C.S.R.  
27 Certified Court Transcriber  
28 patty.brill@gmail.com  
29 908-963-9258

30 Sound Recording Operator:  
31 Kevin Tang

2

93

1 Number four, plaintiff's application for  
2 compensatory time and any other relief not addressed  
3 today, which is the subject of her 12-18-18  
4 modification application, shall be addressed at the  
5 time of hearing on defendant's cross-modification  
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23 away, is there anything else that we can address on  
24 that day regarding the parenting coordinator? Are  
25 there any other deadlines that your Honor is going to

3



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1 Thank you.

2 THE COURT CLERK: You're welcome.

3 THE COURT: No problem.

4 Okay. All right.

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6 \* \* \* (End of Proceeding) \* \* \*

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Date: February 15, 2019

/S/PATRICIA A. BRILL, C.S.R.  
AOC NUMBER 470

4

## Message Report

The OurFamilyWizard® website  
1302 2nd St NE Suite 200  
Minneapolis, MN 55413  
<http://www.OurFamilyWizard.com>  
[Info@OurFamilyWizard.com](mailto:Info@OurFamilyWizard.com)



*Stephanie Messner generated this report on 03/26/19 at 01:22 PM. All times are listed in America/New\_York timezone.*

---

**Message:** 1 of 1  
**Date:** 02/12/2019 9:05 AM  
**From:** Miklos Jancsi Hajdu-Nemeth  
**To:** Stephanie Messner (First View: 02/12/2019 10:10 AM)  
**Subject:** Alex's surgery doctor bill

---

There is a \$2700 Dr. Bill for Alex's ankle surgery divided into two you owe \$1350 and I pay the other half. As I explained before everything will be settled in court about your parenting time on April first.

Close

1-page-fax-from-\_7328460282

PDF - 17 KB



02/19/2019 10:35 GEORGE GUSSIS

(FAX)7328460282

P.001/001

**GEORGE G. GUSSIS, P.A.**

ATTORNEY AT LAW  
THE ALBISH BUILDING  
83 MORRIS STREET  
NEW BRUNSWICK, N.J. 08901

GEORGE G. GUSSIS

TEL 732-846-3111  
FAX 732-846-0282

MAILING ADDRESS  
P.O. BOX 152  
08903-0152

February 19, 2019

**ALSO VIA FAX # 908-332-7696**

Maria Schirripa, Court Supervisor  
Superior Court of New Jersey – Family Part  
20 North Bridge Street  
Somerville, NJ 08876

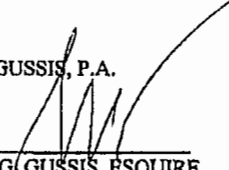
**Re: Messner v. Hadju-Nemeth  
Docket No.: FD-18-340-01  
CS22560884A**

Dear Ms. Schirripa:

This is to confirm that, pursuant to my office's teleconference with you earlier this morning, the correct date for the Hearing scheduled in the above captioned matter is March 26, 2019 at 1:30 p.m. This will further confirm that the Hearing scheduled for April 1, 2019 at 11:00 a.m. was scheduled in error. By a copy of this letter I am advising my adversary of same.

Respectfully,

GEORGE G. GUSSIS, P.A.

BY:   
GEORGE G. GUSSIS, ESQUIRE

GGG:ep

Cc: Jared Geist, Esq. via fax 201-812-9659  
Miklos Hajdu-Nemeth via email



Email



Save

6

## ADDRESS CHANGE FORM

Name of person changing address: Stephanie Messner

Name of other party in case: Hagyó-Nemeth

Docket Number: FD-18-340-01

Date of Birth: 9.9.1970

Old Address: 174 Jerome Ave

City: South Burl Brook State: NY Zip: 08880

New Address: 1147 4th Ave Garwood NJ

City: Garwood State: NJ Zip: 07027

Home phone: (908) 445-4417

Work Phone: ( ) - -

Cell Phone: ( ) - -

SIGNATURE: Stephanie Messner DATE: 3/29/2019

since  
4/20/15

7 Franklin Street was never an address I ever lived at. Nor is it a valid address anywhere in Somerset NJ.





Stephanie Messner <smessner09@gmail.com>

---

## Fwd: Mail we received in our New Brunswick Office

1 message

---

**Jared Geist** <jaredgeist@gmail.com>  
To: smessner09@gmail.com

Tue, May 21, 2019 at 7:55 PM

Sent from my iPhone

Begin forwarded message:

**From:** "Gisela A. Manon" <gamanon@garcesgrabler.com>  
**Date:** May 8, 2019 at 4:00:54 PM EDT  
**To:** "jaredgeist@gmail.com" <jaredgeist@gmail.com>  
**Subject:** Mail we received in our New Brunswick Office

Jared:

Attached is mail we received in our New Brunswick office. Please update your address.

Sincerely,

Gisela A. Manon

Legal Assistant to Arlindo B. Araujo, Esq.

GARCES, GRABLER & LEBROCQ, P.C.

235 Livingston Avenue

New Brunswick, NJ 08901


(732) 317-0700

Fax: (732) 640-2090

gamanon@garcesgrabler.com

---

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9



Q JAREEDGEIST@GMAIL.COM

## Compose

Inbox 1,719

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Snoozed

Sent

Drafts 175

More

Fwd: Mail we received in our New Bruns'



**Jared Geist** <jaredgeist@gmail.com>

to me

Sent from my iPhone

Begin forwarded message:

## Labels

## Notes

**From:** "Gisela A. Manon" <[gamanon@garcesgrabler.com](mailto:gamanon@garcesgrabler.com)>

**Date:** May 8, 2019 at 4:00:54 PM EDT

**To:** "jaredgeist@gmail.com" <jaredgeist@gmail.com>

**Subject: Mail we received in our New Brunswick Office**

Jared:

Attached is mail we received in our New Brunswick office. Pl

Sincerely,

Gisela A. Manon

Legal Assistant to Arlindo B. Araujo, Esq.

GARCES, GRABLER & LEBROCQ, P.C.

235 Livingston Avenue

New Brunswick, NJ 08901

(732) 317-0700

Fax: (732) 640-2090

[gamanon@garcesgrabler.com](mailto:gamanon@garcesgrabler.com)

One attachment • Scanned by Gmail

\* CERTIFIED TO BE A  
 TRUE COPY  
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 SITTING / SEBONGER

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BRADFORD M. BURN

SUTHERLAND COUNTY CO. F. J. W. ARMY  
 TRANSIT DIVISION 1 AUG 1942  
 SUTHERLAND COUNTY  
 DOUGLAS MIL 12-15 14501

**SUPERIOR COURT OF NEW JERSEY:****CHANCERY DIVISION, FAMILY PART  
SOMERSET COUNTY**PO BOX 3000  
NO. BRIDGE HIGH STREET  
SOMERVILLE, NJ 08876-1262  
Website: <http://www.njcourtsonline.com>

(877)655-4371

Fax:

**MESSNER STEPHANIE J**

Plaintiff

vs.

**HAJDUNEMETH MIKLOS J**

Defendant

**STEPHANIE J. MESSNER  
447 4TH AVE  
GARWOOD, NJ 07027-1008 US**Docket No: **FD-18-000340-01**Case ID: **CS22560884A****CIVIL ACTION SUMMONS FOR HEARING FOR MODIFICATION**The attached complaint for DOWNWARD MOD FOR CS ENF EXISTING ORDER has been filed.You are hereby summoned to appear in the Chancery Division, Family Part of the Superior Court of New Jersey at **SOMERSET COUNTY COURTHOUSE 20 N BRIDGE ST, MAIN CRTHSE COURT RM 302, 3RD FL SOMERVILLE NJ 08876**, before **JUDGE BRADFORD M BURY**, on **02/05/2019 at 08:30 AM**.

You must bring with you the following:

- ☐ A copy of this notice
- ☒ Last three (3) pay stubs and/or proof of other income
- ☒ Most recent Federal (IRS) tax return
- ☒ Proof of health insurance coverage for child(ren) named in complaint
- ☒ Most recent Completed Case Information Statement (CIS) (enclosed)
- ☐ Verification of child's full-time enrollment in high school or college/post-secondary institution
- Letter from school on letterhead confirming current full-time enrollment status
  - Copy of official current full-time enrollment certificate
- ☐ Verification of child's physical or mental disability
- Federal or State eligibility determination letter
  - Proof of Federal or State benefits received due to the child's disability
  - Court ordered determination of the child's disability

**FAILURE TO APPEAR AT THE DATE, TIME, AND PLACE SHOWN ON THIS SUMMONS MAY RESULT IN THE ENTRY OF A JUDGMENT BY DEFAULT AGAINST YOU FOR THE RELIEF(S) REQUESTED OR A BENCH WARRANT MAY BE ISSUED FOR YOUR ARREST.**

Although not required, you may bring an attorney. You may contact the NJSBA Lawyer Referral Service or Legal Services of New Jersey for assistance.

If you have any questions, please call Customer Service at (877)655-4371.

The following is attached:

☒ Complaint that has been filed☐ CIS

01/07/2019

Date

**KIMARIE RAHILL**

Presiding Judge, Family Part

\*\*\* PLEASE NOTIFY COURT OF DISABILITY ACCOMODATION NEEDS \*\*\*



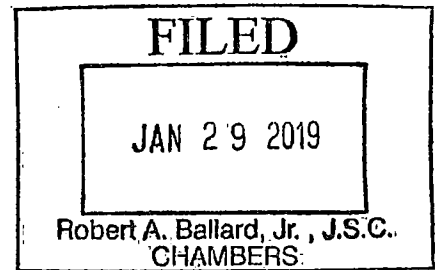
CS523,66251167

355\MARIA.CAMPBELL\CS22560884A\22560868



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**PREPARED BY THE COURT**

**STEPHANIE MESSNER,**

Plaintiff,

v.

**MIKLOS HAJDU-NEMETH,**

Defendant.

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION-FAMILY PART  
SOMERSET COUNTY

DOCKET NO.: FD-18-340-01

**CIVIL ACTION**

**AMENDED ORDER TO SHOW CAUSE**

THIS MATTER having been brought to the court on January 17, 2019, by way of an emergent application filed by Jared Geist, Esq. (Geist Law LLC) on behalf of Plaintiff, Stephanie Messner, seeking emergent relief pursuant to R. 4:52-1, based on the facts set forth in Plaintiff's Certification filed therewith; and it appearing that George Gussis, Esq. on behalf of Defendant, Miklos Hajdu-Nemeth, having been served with a copy of this application; the court having read and considered the supporting papers; and finding that the Plaintiff has not demonstrated by clear and convincing evidence that immediate and irreparable harm is likely to result;

IT IS on the 29<sup>th</sup> day of January, 2019 ORDERED as follows:

1. **ORDERED** that Plaintiff's Order to Show Cause is GRANTED as the request is deemed emergent; and it is further
2. **ORDERED** that Plaintiff's request to cease any and all surgeries for the minor child unless it is a life threatening non planned situation is GRANTED; and it is further

3. **ORDERED** that Plaintiff's request to mandate that Plaintiff be informed and involved in decision making process prior to surgeries being scheduled for the minor children is GRANTED; and it is further
4. **ORDERED** that Plaintiff's request to require Defendant to provide to Plaintiff all medical providers and appointments for the minor children including allowing access to the records is GRANTED; and it is further
5. A copy of this Order to Show Cause, along with this Order, Statement of Reasons and any supporting affidavits or certifications submitted in support of this application shall be served by Plaintiff upon the Defendant and/or his attorneys within **3 days** of the date hereof, in accordance with R. 4:4-3 and R. 4:4-4.
2. **ORDERED** that all other Orders shall continue in full force and effect.
3. **ORDERED** that the plaintiff shall serve a copy of this Order on all interested parties, within three (3) days of the date hereof.



---

HON. ROBERT A BALLARD, JR. J.S.C.

**Statement of Reasons Pursuant to R. 1:6-2**

Plaintiff files this instant application requesting emergent relief to restrain Defendant from moving forward with any surgeries involving the parties' minor children and keeping Plaintiff involved in the medical decisions involving the children. Plaintiff certifies that she became aware on January 5, 2019 of an intention for the parties' daughter, Alexandra, to have surgery on her foot. On that day, she was told by four people during Alexandra's basketball game that Alexandra had been scheduled for surgery the prior day. Plaintiff certifies that she was subsequently informed that the surgery was scheduled by Defendant but never occurred. According to Plaintiff's certification, the surgery would involve opening the back of Alexandra's foot to cut away tissue and tendons. Plaintiff further alleges in her certification that when she confronted Alexandra regarding the surgery, she was told, "My ankle hurts, I want surgery, you have no say, it's my choice". Subsequently, the Court received further information from Plaintiff stating that she was present where the surgery has been rescheduled for February 4, 2019.

The issue before the Court is whether to grant the requests for emergent relief restraining the Defendant from having custody of the minor children. In order to grant such extraordinary relief, the movant must demonstrate that (1) the preliminary restraints are necessary to prevent irreparable harm; (2) the legal rights underlying the claims are settled; (3) the material facts are uncontroverted and demonstrate a reasonable probability of ultimate success on the merits; and (4) the relative hardship to the parties in granting or denying relief favors granting the relief. *Crowe v. DeGioia*, 90 N.J. 126, 132-34 (1982). The Court must find clear and convincing evidence that an injunction is warranted under these standards. *Am. Employers' Ins. Co. v. Elf Atochem North Am.*, 280 N.J. Super. 601, 610-611 n8 (App. Div. 1995) (citing *Dolan v. DeCapua*, 16 N.J. 599, 614 (1954)). The irreparable harm must be imminent, concrete, non-

speculative, and the harm must occur in the near, not distant future. *Subcarrier Communications v. Day*, 299 N.J. Super. 634, 639 (App. Div. 1997).

In the present case, the Plaintiff's emergent application does meet the standard of emergency as set forth in Crowe. Joint legal custody involves parties agreeing and consulting with one another for the important educational and medical aspects of their children's lives. Here, Plaintiff alleges that Defendant has usurped her advice and consent as to the best interests of their child. In particular, it is immediate and irreparable for the parties' daughter to have surgery without the agreement of Plaintiff or the Court to determine the best interests of her health and safety. As such, Defendant may not unilaterally schedule this surgical procedure and the surgery must be delayed. The Court notes that the parties are scheduled for a hearing before the Honorable Bradford M. Bury, J.S.C. on February 5, 2019. These issues are more appropriate and may be addressed before Judge Bury at that hearing.

#### **Custody/Parenting Time Compliance Requirement**

If this order contains any provision concerning custody and/or parenting time, both parties are advised: Failure to comply with the custody provisions of this court order may subject you to criminal penalties under N.J.S.A. 2C:13-4, "Interference with Custody." Such criminal penalties include, but are not limited to, imprisonment, probation, and/or fines.

Si usted deja de cumplir con las clausulas de custodia de esta orden del tribunal, puede estar sujeto (sujeta) a castigos criminales conforme a N.J.S.A. 2C:13-4, "Interference with Custody (Obstruccion de la Custodia)." Dichos castigos criminales incluyen pero no se limitan a encarcelamiento, libertad, multas o una combinacion de los tres.



Stephanie J. Messner  
447 4th Ave.  
Garwood, NJ. 07027  
908-456-4417

To: Somerset County Superior Court – Family Part  
20 Bridge Street  
Somerville, NJ. 08876

Attn: Honorable Presiding Judge Kimarie Rahill

RE: FD-18-340-01 MESSNER VS. HAJDU-NEMETH

4/4/19

Dear Judge Rahill,

This letter is a request to you for the backup recording of a hearing before Judge Bradford Bury on 3/26/19 afternoon session beginning around 2pm. The reason for such a request is that Judge Bury requested the audio of the record to be turned off on multiple occasions while the hearing was in progress so he could talk off the record at his convenience and this is inappropriate because the record doesn't accurately represent what was happening in this courtroom hearing.

During this time Judge Bury had been making derogatory comments about me while I was not present as I was not properly informed of this hearing date, which on 2/5/19 hearing was scheduled to be on April 1st, 2019.

I did not receive any notification by the Court. My attorney Jared Geist did not receive proper notification by the Court but only an email in which the adversary was attempting to change the hearing date from April 1st to an earlier date, misleading the Court to believe that the April first date was an error of the Court and not a date he agreed on. It is important to note that when I called in to Judge Bury, he was bullying me and attacking my credibility and stating that he was, "with certainty" positive that I received notification from the court because he "knows" notification went out to my address on "7 Franklin street, Somerset, New Jersey," stated Judge Bury. I have NEVER lived at this address and when I looked

up this address, it doesn't even exist. In fact, I checked in with the Family part desk and asked which address they had for me and I was told, "7 Franklin Street, Somerset, NJ." I had to fill out a formal form to change it back to my Garwood address. This means that between 2/5/19 and March 26, 2019 approximately 6 weeks, someone had to physically change my address to an invalid one internally. As far as I have been made aware, 7 Franklin Street in Somerset would be located in a cemetery!

I obtained the transcript from 2/5/19 in which April 1st, 2019 date was agreed upon by all parties and Judge Bury's behavior was extremely troubling to me as he was calling me repeatedly while I was being examined by my doctor, sick with influenza and a severe lower respiratory infection, implying that I am dodging court, lying all the while making fun of me in front of the adversary and my ex who also has a history of domestic violence and abuse toward me. I am appalled that Judge Bury would resort to name calling in the court in front of the adversary is and should be reprimanded as I view this as harassing and abusive.

What is deeply concerning is that Judge Bury's outrageous behavior was inappropriate toward me who was ill, assaulting my credibility on the record, calling me names and repeatedly calling my cell phone multiple times in a row while I was in the doctors. Judge Bury even suggested that my attorney call my doctors and then suggested he call me from his cell phone stating that if my attorney calls me, maybe I will answer implying that I am a liar and intentionally dodging his calls.

He then proceeded without me being present and refused my attorney's requests that he needs me to be present. I could not see what documents were being presented but he never did hear my motion that I filed on 12/18/18, which stemmed from an OTSC that he directed me to file as a motion. He denied all the relief I requested without going through my motion and my complaints and he did this 2 times first being the 2/5/19 date.

I not given but one days notice of this hearing, I was sick, had been out of work for a week, had a doctors appointment and my parenting time with my daughter and couldn't be present and Judge Bury never addressed my complaint before the court only addressing part of my requests but not my complaint that raised serious issues

regarding the children's welfare resulting in one severed relationship, the Defendant's plan of a severance of the other child once she turns 18, surgeries for our daughter occurring without informing me, the car crash, injury, seizures, concussions and hospitalizations of our other daughter without informing or including me even in emergency situations, the Defendant's inability to co-parent and enmeshing the children into the litigation.

There is nothing I had ever done or said to make this man who is a sitting Judge behave like this toward me. But he stated on 2/5/19 that he was not inclined to hear my complaints and allegations of the Defendant because he stated these complaints would have been born out during 9 days of trial before Judge Mawla and this is not representing a Court of Equity in which I provided a binder of texts, exhibits, documents to demonstrate that my complaints are valid and should be addressed, not ignored completely.

I have only been before Judge Bury the one time in which I did have to interrupt him to provide correct information because there were false allegations and assumptions going on the record and that still stand to be corrected as he refused me my parental right to request and obtain an updated MRI and a second opinion for a major surgery on my daughters foot which he has no way of determining that this surgery is in her best interest if the podiatrist who is not an orthopedic surgeon, like Judge Bury claimed, certainly couldn't say with certainty, never mind all of the risks involved and in addition, Troxel Vs. Granville upholding and protecting the 14th Constitutional Amendment-case-law states that the state may not use the best interest of the child standard to override a parent's Constitutional and fundamental rights to make decisions both medical and educational for their children. In this case I was not asking for anything more than any other responsible parent would ask for.

Enclosed you will find a few documents which include...

- 1.) excerpt from transcript on 2/5/19 scheduling hearing date on 4/1/19
- 2.) George Gussis Esq. letter misinforming, misleading and lying to the Court in attempt to change the date from 4/1/19 to earlier in March.
- 3.) Form I filled out to change the fake address back to my current Garwood address that I have received all notification from the Court since 2015.

4.) Defendant's OFW email recognizing the Court date was set for 4/1/19

From the outside looking in, it would appear that Mr. Gussis wouldn't have minded and could have even orchestrated me missing the 3/26/19 Court Date due to a suspect fake address for me which was changed at the Court, with no proper notification sent or received to me, in order to push his requests through in my absence which is what he essentially did but for the Court's denial of his requests to further alienate me from our children by requesting of the court to not allowing me parenting time at all which has caused Parental Alienation by his client back from 8/17/16, one severed mother/child relationship and the continuation of extricating me from both of the children's lives.

This letter also serves as notification that we are moving forward with a motion for Recusal of Judge Bradford Bury for many reasons other than his malicious behavior toward me in the past two hearings, which were the only two hearings before him.

I, with the utmost regard, respectfully request and petition of Your Honor, the backup, forensic Smart Court recording of the 3/26/19 hearing.

Thank You in Advance.

Respectfully Yours,

Stephanie J. Messner



1

1 SUPERIOR COURT OF NEW JERSEY  
2 LAW DIVISION: FAMILY  
3 SOMERSET COUNTY  
DOCKET NO. FD-18-340-01

4 -----  
STEPHANIE MESSNER,  
5 Plaintiff, TRANSCRIPT  
6 vs. OF  
7 MIKLOS HAJDU-NEMETH, MOTION DECISIONS  
8 Defendant.  
9 -----

10 PLACE: Somerset County Courthouse  
20 North Bridge Street  
11 Somerville, New Jersey  
DATE: March 26, 2019

12 BEFORE:

13 HONORABLE BRADFORD BURY, J.S.C.

14 TRANSCRIPT ORDERED BY:  
15 STEPHANIE J. MESSNER  
447 4th Avenue  
16 Garwood, NJ 07027

17 APPEARANCES:

18 JARED GEIST, ESQ.  
19 Geist Law  
For Plaintiff

20 GEORGE G. GUSSIS, ESQ.  
21 Law Office of George G. Gussis  
For Defendant  
22

23 PATRICIA A. BRILL, CCR-R  
24 CERTIFIED COURT TRANSCRIBER  
patty.brill@gmail.com

25 Sound Recording Operator: K. Tang

20

2

1	<u>I N D E X</u>	
2	<u>PROCEEDING</u>	<u>PAGE</u>
3	Motion Decisions	3
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1 THE COURT: Will the attorneys please come  
 2 forward, along with Mr. Hadju-Nemeth, on Messner versus  
 3 Hajdu-Nemeth, Docket FD-18-340-01?  
 4 And let's get Ms. Messner on the phone,  
 5 please.  
 6 THE COURT CLERK: Yes, Judge.  
 7 COURT STAFF: Do you have your client's  
 8 phone number?  
 9 MR. GEIST: I do. 908-456-4417.  
 10 THE COURT: Good afternoon, counsel.  
 11 MR. GEIST: Good afternoon.  
 12 THE COURT: All right.  
 13 (Phone ringing).  
 14 (Whereupon a discussion was held off the  
 15 record between the Court and staff.)  
 16 RECORDING: "Hello. Nobody's around to  
 17 answer your call. Please leave your message at the  
 18 tone, and someone will get back to you as soon as  
 19 possible. Thank you."  
 20 RECORDING: "Record your message after the  
 21 tone. Simply hang up when done, or for delivery  
 22 option, please the pound sign."  
 23 THE COURT: Hello, Ms. Messner. This is  
 24 Judge Bradford Bury in Somerset County Superior Court.  
 25 You were provided a courtesy today to be

4

1 able to appear via a Polycon for the reasons where -- I  
 2 guess we will eventually place on the record through  
 3 your counsel, Mr. Geist.  
 4 We're going to call you back, but you're  
 5 expected to participate in this proceeding. So we're  
 6 going to hang up now and call you back, and/or I'll  
 7 have your counsel reach out to you through his phone.  
 8 Thank you.  
 9 Mr. Geist, you told your client to be  
 10 available; right?  
 11 MR. GEIST: Yes. I wanted to place a  
 12 little background before I really get started on that.  
 13 My client, I did tell her to be available.  
 14 She told me at 2:30 she had to pick the minor daughter  
 15 up. But then she was going to drop her off somewhere.  
 16 She didn't tell me where she was dropping her daughter  
 17 off, but she said she was then going to go to a  
 18 doctor's appointment after that.  
 19 There's a lot of other things I wanted to  
 20 state, but I know we're -- not really having entered  
 21 appearances yet or anything --  
 22 THE COURT: Right.  
 23 MR. GEIST: But she also told -- she  
 24 provided me with an earlier doctor's note that  
 25 basically said she was out of work until March 21st,

22

5

1 which was five days ago.

2 You know, I have been in communication with  
3 her, and I wanted to put some of that exactly on the  
4 record.

5 But she then told me she was going back to  
6 the doctor's after she dropped her daughter off. I  
7 guess she was picking her daughter up from school at  
8 2:30 and was concerned if the phone call came in then,  
9 that her daughter would be in the car with her.

10 But now it's, you know, 3:00.

11 THE COURT: Right. Well, where was she  
12 taking the parties' daughter to?

13 MR. GEIST: She didn't --

14 THE COURT: Where was she taking -- this is  
15 Alexandra or Olivia?

16 MR. GEIST: That would be --

17 THE COURT: Alexandra; right?

18 MR. GEIST: And -- I don't know.

19 THE COURT: Okay.

20 MR. GEIST: Maybe Mr. Hadju-Nemeth would  
21 know more than --

22 THE COURT: Yes, sir?

23 THE DEFENDANT: Therapy. Alex has therapy.

24 THE COURT: Okay.

25 THE DEFENDANT: She had ankle surgery.

6

1 THE COURT: Well, then --

2 MR. GEIST: I don't know if there's any way  
3 to --

4 THE COURT: PT, as in physical therapy.

5 THE DEFENDANT: Yes.

6 THE COURT: Right.

7 MR. GEIST: I don't know if there's any way  
8 to have a brief conference --

9 THE COURT: I'm well --

10 MR. GEIST: -- with your Honor --

11 THE COURT: I'm well aware of the surgery  
12 issue. We're going to wait for the Appellate Division  
13 on an emergent app.

14 All right. Let's everybody calm down. Sit  
15 down. Let's make a second phone call.

16 THE COURT CLERK: Okay.

17 THE COURT: Okay? If she doesn't pick up,  
18 I'm going to ask you to get your cell phone. Please  
19 call her. You can do that right here in the courtroom.  
20 So maybe if she recognizes your number, she'll respond  
21 to that. She may not be responding necessarily to this  
22 number that she sees here.

23 (Phone ringing.)

24 RECORDING: "Hello. Nobody is around to  
25 answer your call. Please leave a message at the tone

23

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1 and we will get back to you as soon as possible. Thank  
2 you."

3 RECORDING: "Record your message after the  
4 tone. Simply hang up when done, or for delivery  
5 option, press the pound sign."

6 THE COURT: Hello again, Ms. Messner. This  
7 is Judge Bury, Somerset County Superior Court.

8 It's now about three minutes after 3. I'm  
9 leaving a second voicemail message. My understanding  
10 is that you were taking Alexandra after school -- a  
11 pickup at 2:30, to therapy at 3. Therefore, you should  
12 be available. I'm sure it's her session, not your  
13 session, for her physical therapy.

14 I'm going to have your attorney call you  
15 right now on his cell phone, and then we expect you  
16 again to participate, at least today, via Polycom. And  
17 that will conclude this call. Thank you.

18 Give it a shot, Mr. Geist.

19 MR. GUSSIS: Judge, before he calls, I  
20 would like to place something on the record.

21 THE COURT: All right. Let's do this then  
22 -- my point is this. We don't even have her on the  
23 Polycom yet.

24 Go ahead and take -- you want to enter  
25 appearances. Go ahead, Mr. Geist.

8

1 MR. GEIST: I will enter my appearance.  
2 I'd almost rather have a quick conference with your  
3 Honor if you don't mind. There might be ways to  
4 resolve this a little bit.

5 But my appearance is Jared Geist,  
6 Hackensack, New Jersey, on behalf of Ms. Messner, who,  
7 as we know, is not here, the plaintiff.

8 THE COURT: Thank you, sir.

9 MR. GUSSIS: Your Honor, George Gussis is  
10 on behalf of the defendant, Miklos Hajdu-Nemeth.

11 THE COURT: All right. Who, for the  
12 record, is present here in court.

13 MR. GUSSIS: And he is present in court.

14 THE COURT: Yes.

15 A suggestion on in-chambers conference?  
16 Yes, no, maybe?

17 MR. GUSSIS: Before, Judge, I would like to  
18 place something on the record.

19 THE COURT: Go ahead.

20 MR. GUSSIS: Ms. Messner never had any  
21 intentions of appearing today. She sent her daughter a  
22 text message this morning that she had to work. I have  
23 the text messages.

24 She then told her daughter that work was  
25 canceled and she would pick her up after 2:30. If she

24

9

1 had work, she would have picked her up after 8:00.  
 2 So she had no intentions of being here  
 3 today, and I have the text messages. I'd like to share  
 4 -- give a copy to Mr. Geist, so when he speaks to her  
 5 on the phone, he tells her that. And I have a copy for  
 6 the Court.  
 7 THE COURT: All right. Mr. Geist, go ahead  
 8 and take a look at that and --  
 9 MR. GEIST: Yeah. Obviously, I haven't  
 10 seen it before. I did want to still have a conference  
 11 for a few reasons. And, you know, if we go on the  
 12 record, I can explain --  
 13 THE COURT: Okay.  
 14 MR. GEIST: -- other things.  
 15 But Mr. Gussis wrote a letter to me that  
 16 was a couple hours ago, shortly after I got a call from  
 17 you to appear, and I wanted to discuss that letter that  
 18 he wrote. You know, it wouldn't be more than a  
 19 five-minute conference. But I'd like --  
 20 THE COURT: You're talking about the letter  
 21 of today's date. I received --  
 22 MR. GEIST: Yes. Basic --  
 23 THE COURT: -- from Mr. Gussis.  
 24 MR. GEIST: And in there, he makes a  
 25 suggestion about -- that he wasn't requesting oral

10

1 argument; if I was. And I was basically -- told Mr.  
 2 Gussis I wasn't requesting oral argument.  
 3 THE COURT: All right.  
 4 MR. GEIST: I know this is the FV calendar,  
 5 but --  
 6 THE COURT: Let's go -- let's go in  
 7 chambers for a short conference. All right? We're  
 8 going to come back out, and then we can address further  
 9 the text messages that Mr. Gussis has provided to  
 10 plaintiff's counsel and the Court.  
 11 Bear with me a moment, as I just review an  
 12 order from the last matter that we just did.  
 13 (Whereupon a discussion was held off the  
 14 record between the Court and staff on a different  
 15 matter.)  
 16 THE COURT: Okay. Kevin, we're going to go  
 17 off the record.  
 18 THE COURT CLERK: Sure.  
 19 THE COURT: Excuse us, Mr. Hadju-Nemeth,  
 20 for a little bit while the attorneys and the Court go  
 21 in chambers, and we'll be back out momentarily. Okay?  
 22 THE DEFENDANT: Uh-huh.  
 23 THE COURT CLERK: Off record.  
 24 (Whereupon a short recess is taken.)  
 25 THE COURT: All right. Welcome back to the

25



11

1 Superior Court of Somerset County. We continue on the  
 2 matter of Stephanie Messner versus Miklos Hajdu-Nemeth,  
 3 Docket FD-18-340-01. We return from an in-chambers  
 4 conference. Both counsel are present, along with the  
 5 defendant.

6 And I ask plaintiff's counsel whether or  
 7 not he's had -- has he been able to connect with his  
 8 client, Ms. Messner.

9 MR. GEIST: Your Honor, I briefly did. She  
 10 told me she was unavailable. She told me exactly that  
 11 there was this physical therapy appointment that she  
 12 didn't know about, is what she told me.

13 So she had to cancel the physical therapy  
 14 appointment, and she was actually at a doctor now for  
 15 herself and was unavailable to speak and participate.  
 16 And that's exactly what I was told.

17 So that's pretty much verbatim, the  
 18 discussion I had. I don't know what else I can add to  
 19 it. Obviously, we had this conversation on record --  
 20 off the record in chambers, and if we're proceeding,  
 21 there's other things I would say just generally about  
 22 the timeline of all of this.

23 But that was the conversation since our  
 24 in-chambers that took place.

25 THE COURT: Okay.

12

1 MR. GUSSIS: Mr. --

2 THE COURT: Yes, Mr. Gussis.

3 MR. GUSSIS: Mr. Hajdu-Nemeth tells me that  
 4 she has the full schedule, because all the physical  
 5 therapy sessions are as scheduled --

6 THE COURT: Okay. For the record, we're  
 7 talking about Alexandra, the daughter's --

8 MR. GUSSIS: Right.

9 THE COURT: -- physical therapy sessions  
 10 following her ankle surgery, which was the subject  
 11 matter of the last appearance --

12 THE DEFENDANT: Correct.

13 THE COURT: -- here in court, which was  
 14 also the subject matter of an emergent application for  
 15 leave to appeal to the Appellate Division, which was  
 16 denied, and that there was no discussion about Ms.  
 17 Messner's personal health in any way impeding her  
 18 ability to be here today.

19 And now we're being told that the physical  
 20 therapy session is not occurring? That it was, in  
 21 fact, canceled?

22 MR. GUSSIS: Correct. She canceled it.  
 23 And these physical therapy sessions are on a sheet and  
 24 they're done periodically, and she knew that it was on  
 25 her parenting time.

26

13

1 THE COURT: Well, I'm saying then that  
2 makes no sense in terms of why the plaintiff isn't --  
3 is not available.

4 Where is the plaintiff in terms of a  
5 medical doctor for any illness that she may have.  
6 Where is she?

7 MR. GEIST: Your Honor, she had previously  
8 text messaged a doctor's note that I shared with Mr.  
9 Gussis earlier in the hallway. I don't know if that's  
10 where she was. She didn't specify that. So I don't  
11 want to represent anything that I don't know.

12 THE COURT: Is that for --

13 MR. GEIST: She told me --

14 THE COURT: Is that for today? Or is --

15 MR. GEIST: No.

16 THE COURT: -- it a prior?

17 MR. GEIST: It was a prior. It was a prior  
18 one, your Honor. It was a prior one, and I don't know  
19 where she -- she just told me she was at her doctor's  
20 office, is what she conveyed.

21 THE COURT: Well, you know, I'm feeling --

22 MR. GEIST: So --

23 THE COURT: I'm feeling a bit suspicious  
24 with regard to her unavailability and even by  
25 telephone. I mean, it's one thing that she's not here,

14

1 and I'm not pleased with that because, as we did note  
2 in chambers, this application on the plaintiff's side  
3 was filed by her pro se.

4 All the court notices that have been going  
5 out are going to her. She knew about today's date, you  
6 know, far enough in advance, number one, and, number  
7 two, to the extent that there may have been a little  
8 confusion with regard to whether it was going to be  
9 April 1st versus March 26th, per your letter, counsel,  
10 concerning your availability -- fortunately, the matter  
11 -- another matter that you had freed up; you know,  
12 resolved itself. So you freed up, Mr. Geist, for this  
13 afternoon, and you're here. So there's really no  
14 excuse, as I see it, on the plaintiff's part.

15 If she's in an examination room or if she  
16 was receiving some type of medical treatment, well, of  
17 course, you take out that half hour, whatever the block  
18 of time might be, as far as her availability goes.

19 But it seems like to me we're engaged in a  
20 little hide and seek or that game down at the -- at the  
21 arcades and on the boardwalks when our kids were little  
22 called Whac-A-Mole. You know? And that's -- that's  
23 what I feel like I'm doing here with regard to her,  
24 popping up when she feels like it.

25 So I think I'm going to have our court

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15

1 clerk try to get her one more time on the line. I've  
 2 left two messages. If she's available and she picks  
 3 up, then she can participate and proceed.

4 Otherwise, her attorney is here. You're  
 5 familiar with the issues, and we're going to address  
 6 the issues, because 99 percent of what we're going to  
 7 do doesn't require any testimony.

8 MR. GEIST: Understood.

9 THE COURT: Okay. Mr. Gussis, are you  
 10 ready to proceed regardless of whether or not the  
 11 plaintiff is available by phone?

12 MR. GUSSIS: Yes, your Honor, I am.

13 THE COURT: All right.

14 (Phone ringing.)

15 THE COURT: For the record, Judge Rahill's  
 16 law clerk is coming in.

17 (Whereupon a discussion was held off the  
 18 record between the Court and staff on a different  
 19 matter.)

20 RECORDING: "Hello. Nobody is around to  
 21 answer your call. Please leave a message at the tone  
 22 and somebody will get back to you as soon as possible.  
 23 Thank you."

24 RECORDING: "Record your message after the  
 25 tone. Simply hang up when done, or for delivery

16

1 option, press the pound sign."

2 THE COURT: Hello, Ms. Messner. This is  
 3 Judge Bury again in the Somerset County Superior Court.  
 4 It's now three minutes to 4. You were scheduled to  
 5 appear today at 1:30.

6 Your attorney has conveyed to the Court  
 7 some text messages or conversation that you've had in  
 8 the interim. You indicate you're at some undisclosed  
 9 physician's office and addressing issues, allegedly,  
 10 with regard to your own health. I don't have any  
 11 verification with regard to same.

12 It seems to me that you should have been  
 13 present in court or, at a minimum, available via  
 14 Polycom, and we were willing to accommodate you.

15 Matters here that are remaining, in  
 16 particular on the defendant's cross-motion, do not  
 17 require any testimony, and your attorney and Mr.  
 18 Gussis, on behalf of defendant, are prepared to go  
 19 forward, and so I'm going to go forward with the  
 20 matter, and an order will be entered, and a copy  
 21 will be provided to your attorney, who will forward  
 22 same to you.

23 Should you get this call and then opt to  
 24 participate, communicate with your attorney, call him  
 25 or text him, and he'll let us know, and we will then

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17

1 dial you back up at that time.  
 2 Okay. Thank you, Kevin.  
 3 All right. Did she indicate to you the  
 4 name of the doctor's office that she's at?  
 5 MR. GEIST: No. The prior letter may have  
 6 had it, but she didn't say that's where she was, your  
 7 Honor. So she didn't.  
 8 THE COURT: And she had some type of a  
 9 respiratory issue?  
 10 MR. GEIST: She -- the letter I had  
 11 previously seen --  
 12 THE COURT: No. But today, your last --  
 13 MR. GEIST: No. I didn't have any letter  
 14 from today. The letter I previously saw was a couple  
 15 weeks ago.  
 16 THE COURT: It was a text message today  
 17 between her, this --  
 18 MR. GEIST: I don't even believe it  
 19 mentions respiratory. She, she --  
 20 THE COURT: No. But I'm saying --  
 21 MR. GEIST: I called her in the hallway.  
 22 THE COURT: But your -- the communication  
 23 you just referenced a moment ago --  
 24 MR. GEIST: Yeah.  
 25 THE COURT: Was that a phone --

18

1 MR. GEIST: Phone.  
 2 THE COURT: -- conversation?  
 3 MR. GEIST: Yes.  
 4 THE COURT: Okay.  
 5 MR. GEIST: Yes.  
 6 THE COURT: And so she didn't tell you what  
 7 doctor's office that she was at.  
 8 MR. GEIST: No, your Honor.  
 9 THE COURT: But it was for her personally.  
 10 MR. GEIST: She specifically said it was  
 11 for her personally, and that the physical therapy  
 12 appointment, she said, she canceled because she didn't  
 13 know about it. That's what she said.  
 14 MR. GUSSIS: Judge, she did pick Alexandra  
 15 up and she took her to her home. Just so you're aware  
 16 of that. She did do the pickup, as she said in the  
 17 text --  
 18 THE COURT: Well, today is a Tuesday, which  
 19 is her customary --  
 20 MR. GUSSIS: Right.  
 21 THE COURT: -- parenting time day.  
 22 MR. GUSSIS: Right.  
 23 THE COURT: Well, all right. So let's go  
 24 through the relief that was requested by the plaintiff  
 25 and then go on to the cross-motion, an application of

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19

1 the defendant.

2 So plaintiff requests that the COLA  
3 increase that was utilized in this case and was entered  
4 after a one-year wait period rather than the customary  
5 two-year biannual review, the Court is going to deny  
6 same in light of the nominal amount that impacts the  
7 amount of the child support.

8 Again, Mr. Gussis, which is presently how  
9 much per week?

10 MR. GUSSIS: Three dollars, Judge. It was  
11 --

12 THE COURT: No, no, no. I mean, three  
13 dollars was the increase on top of the --

14 MR. GUSSIS: 82.

15 MR. GEIST: I think 82 --

16 THE COURT: 82.

17 MR. GEIST: -- into 85.

18 MR. GUSSIS: So it's 82.

19 THE COURT: 82. It's right in your  
20 pleadings, sir. It's on page 1 of your pleadings,  
21 paragraph 1. Current order is 82 per week. Thank you.

22 The second point of relief then intertwined  
23 is a credit to plaintiff, the COLA increase, to be paid  
24 back in the form of a check for -- oh, that's it -- of  
25 course denied in light of the denial on point one.

20

1 Number three, seeking to decrease child  
2 support payments. The plaintiff has failed to even  
3 comply with the requirements of the Judgment of Divorce  
4 concerning a financial documentation as to income and  
5 assets, case information statement, etcetera.

6 So on what basis can she legitimately seek  
7 such relief when she has not complied with the prior  
8 judgment and the necessity for updated current  
9 financials? Therefore, it's denied without prejudice.

10 Number four point of relief is to enforce  
11 makeup parenting time. All of the issues with regard  
12 to parenting time, on both sides, is really supposed to  
13 be driven through the tunnel, so to speak, of the  
14 parent coordinator. Everything is supposed to be  
15 funneled through the PC, and that hasn't happened since  
16 the initial parenting coordinator has been off the  
17 scene for a good three-plus years; right? Ms.  
18 Shimalla.

19 And my last order, which is February 5,  
20 2019, appointed Laurie Poppe to serve in that capacity  
21 as the successor parent coordinator if, by February 12,  
22 2019, the parties could not agree upon the new parent  
23 coordinator.

24 And I've been advised by virtue of letter  
25 of Mr. Gussis, dated March 26, 2019, that plaintiff,

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21

1 Ms. Messner, has not engaged Ms. Poppe as required  
 2 under my order, and the defendant has reached out and  
 3 performed his responsibilities with regard thereto.

4 Is that correct, Mr. Gussis?

5 MR. GUSSIS: That's correct, your Honor.

6 THE COURT: Okay. Mr. Nemeth --

7 THE DEFENDANT: That's correct.

8 THE COURT: -- you've done it. Okay?

9 And so you have no information from your  
 10 client or Ms. Poppe to confirm that she's done her job  
 11 so to speak.

12 MR. GEIST: Your Honor, I can say I spoke  
 13 with her yesterday in reminding of this court date and  
 14 the confusion and everything I went over in chambers  
 15 with the April 1st and everything else, and I can  
 16 confirm that she had not engaged with Ms. Poppe.

17 She mentioned a lot of communication on  
 18 Family Wizard. She had mentioned --

19 THE COURT: Yes. We should note for the  
 20 record in a positive -- on a positive note that the  
 21 Court ordered the parties to now communicate through  
 22 Family Wizard except for emergencies, and the exception  
 23 is noted in the order, and the parties are now doing  
 24 that.

25 MR. GEIST: And, as I mentioned in

22

1 chambers, she mentioned a financial issue of not being  
 2 able to pay for the services.

3 I suggested to Ms. Messner that a lot of  
 4 these issues that she's bringing up -- you know, she's  
 5 making allegations of makeup parenting time and loss of  
 6 parenting time and loss of parenting time after the  
 7 surgery -- would be issues that the parent coordinator  
 8 could hopefully assist her with. So that's the  
 9 communication that I had.

10 THE COURT: Okay. On the financial front,  
 11 at the time that the Court was appointing the successor  
 12 parent coordinator in the absence of agreement by the  
 13 parties and -- I further ordered that -- it says:  
 14 Parties will share the cost on a 50/50 basis, which is  
 15 consistent with the July 25, 2017 Judgment of Divorce  
 16 from Judge Mawla.

17 I didn't hear Bo Peep from the plaintiff  
 18 with regard to any inability to pay. So her comments  
 19 to you most recently with regard to same, I am  
 20 rejecting because she never raised that issue at the  
 21 time of the February 5, 2019, and I am not aware of any  
 22 economic change of circumstances in the interim, which  
 23 would remove her ability to pay and/or impair her  
 24 ability to pay.

25 Okay. So denied as to her request to

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23

1 enforce makeup parenting time. She and defendant may  
 2 address such issues with the parent coordinator, and  
 3 the parent coordinator will adjudicate -- with quotes  
 4 around that word -- accordingly. Will assist the  
 5 parties accordingly.

6 Number five, hold the defendant in contempt  
 7 of court for continued violations of the children and  
 8 plaintiff's rights to liberal parenting time, I don't  
 9 find by a preponderance of the credible, reliable  
 10 material and relevant documentary evidence in the  
 11 pleadings and/or anything as to which the parties  
 12 testified at the prior proceeding which would suggest  
 13 any such willful violation on defendant's part.

14 And, once again, this is part and parcel of  
 15 taking these parenting-time issues through the parent  
 16 coordinator, and that's not happening on plaintiff's  
 17 side of the equation.

18 Number six is seeking intervention to  
 19 restrain the defendant from interfering or withholding  
 20 or showing up on plaintiff's parenting time.

21 Again, this is a parent coordinator issue,  
 22 and the plaintiff has not demonstrated to this Court's  
 23 satisfaction that the defendant is in any way  
 24 interfering or withholding or showing up -- withholding  
 25 parenting time and/or showing up on plaintiff's

24

1 parenting time and intruding upon her private parenting  
 2 time with the kids.

3 Number seven, grant plaintiff makeup time  
 4 as per the July 25, 2017 court order, quote, hour-  
 5 for-hour, day-for-day, unquote. Once again, this  
 6 circles back and is tied into the parent coordinator  
 7 issue and should be addressed accordingly.

8 Now, going onto the cross application of  
 9 the defendant, he requests that the plaintiff be held  
 10 in violation of litigant's rights for failure to comply  
 11 with the Judgment of Divorce dated July 25, 2017 in a  
 12 specific number of areas.

13 First, failure to pay child support  
 14 pursuant to paragraph 9. The plaintiff may be in  
 15 arrears with regard to child support. It's  
 16 approximately in the \$3,000 range, but she is actively  
 17 paying child support. And given the amount of the  
 18 arrears presently due and owing, I don't find either,  
 19 A, a willful failure to pay at all, and I do not find a  
 20 substantial amount of arrears having accrued because of  
 21 large gaps in time of any payment whatsoever.

22 With regard to the failure to provide  
 23 income documentation pursuant to paragraph 10 of the  
 24 JOD, I do find her to be in violation of litigant's  
 25 rights because she has not complied with same in -- as

25

1 I've noted in some earlier comments touching upon  
2 plaintiff's requested relief.

3 Failure to pay parochial school tuition  
4 pursuant to paragraph 7 of the JOD, she has not done  
5 so. Therefore, I find her to be in violation of  
6 litigant's rights as to same.

7 Failure to address are parenting issues to  
8 the parenting coordinator pursuant to paragraph 3, yes,  
9 she's also in violation thereof, and particularly, most  
10 recently, by the simple failure to even sign the  
11 retainer agreement with Ms. Poppe and pay her 50  
12 percent share of the required retainer regardless of  
13 whatever the past history may or may not have been with  
14 the parenting coordinator, Ms. Shimalla.

15 With regard to failure to cease, discuss  
16 the litigation with or disparaging the defendant to the  
17 parties' daughters, I'm not satisfied by a  
18 preponderance of the evidence that that is so. I'm not  
19 saying it hasn't occurred to a certain degree. But  
20 from the perspective of violation of litigant's rights,  
21 I'm going to respectfully deny that request.

22 With regard to the failure to file for  
23 their daughters -- it was both daughters originally.  
24 Now, given the passage of time, the oldest daughter,  
25 Olivia, has aged out. She's over 18. So it's

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1 irrelevant as to her.

2 But it is true with regard to her failure  
3 to execute the necessary passport application papers  
4 provided to her and/or sign them herself and supply  
5 them to the defendant at least as it relates to  
6 Alexandra, the youngest daughter, who is now  
7 14-and-a-half, and so I do find her to be in violation  
8 of litigant's rights as to that allegation.

9 And to avoid further orders concerning  
10 enforcement that are kind of getting on a carousel and  
11 going around and around with nothing getting  
12 accomplished, I am going to grant the defendant limited  
13 power-of-attorney on behalf of the plaintiff, and  
14 neither her consent nor written authorization is  
15 necessary for him to obtain a passport on behalf of  
16 Alexandra, and he may do so forthwith.

17 As I said, Olivia is over 18 years of age.  
18 She can apply for and obtain a passport for herself as  
19 she may choose as a legal adult.

20 The next point of relief on the defense  
21 side is a request to suspend all the plaintiff's  
22 parenting time with the parties' daughter until the  
23 plaintiff addresses her perceived parenting issues with  
24 the parenting coordinator as provided in the judgment  
25 of 7-25-17.

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1 Let me say this. I feel like, visually,  
 2 I'm a seesaw. I could go either way with regard to  
 3 this particular issue. Because of the importance of  
 4 parenting time in any case and my desire for mom to  
 5 still continue to have a relationship with her  
 6 daughters, but in particular the minor child,  
 7 Alexandra, over whom the Court still has authority  
 8 today, but without prejudice to any future application  
 9 by the defendant, I'm not going to suspend her  
 10 parenting time even for midweek, not overnight  
 11 parenting time on the weekends, but it's with the  
 12 warning that if she doesn't get in the saddle and sign  
 13 up with that parenting coordinator and start doing  
 14 what's necessary for both parties to more effectively  
 15 co-parent through the assistance of the parenting  
 16 coordinator and the defendant has to come back on a  
 17 future application, then I may be so inclined to  
 18 suspend maybe at least some part of her parenting time  
 19 until she gets the message, so to speak, and starts  
 20 doing what she's supposed to do that's to the benefit  
 21 of Alexandra and their -- and her parents.

22 Yes, sir?

23 MR. GUSSIS: Judge, could you give a time  
 24 period to give her a second chance now to sign up?

25 THE COURT: Well, if she doesn't do it

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1 within the next 30 days, then I mean that to me --  
 2 enough's enough. Okay?

3 So I'm saying that, to me, would be a more  
 4 than sufficient additional reasonable period of time to  
 5 do so, and if it didn't happen and the defendant then  
 6 filed a separate application in that regard, I would  
 7 feel that that was a sufficient period of time in my  
 8 mind. Okay?

9 And depending upon what I hear at the time  
 10 of the motion, but it's pretty much -- it's the same  
 11 that we're -- we are here today and she took no steps,  
 12 I've got to do something to get her attention, and  
 13 maybe it starts with eliminating midweek parenting  
 14 time.

15 Okay. With regard to the request of the  
 16 defendant to permit the parties' daughters, plural --  
 17 that would be Olivia and Alexandra -- to address their  
 18 parenting issues that they have with the plaintiff, to  
 19 discuss same with the parenting coordinator, I first  
 20 indicate that this Court has no legal authority over  
 21 Olivia. She's an adult. She's over 18 years of age.  
 22 She will make her own decisions with regard to when and  
 23 if she will -- I should say if and when she will have  
 24 interaction with her mom.

25 As to Alexandra, I will leave it to the

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1 discretion of the parent coordinator as to whether or  
 2 not she would like to speak with Alexandra about any  
 3 issues Alexandra has with either parent in formulating  
 4 recommendations for the parents and Alexandra as it  
 5 relates to parenting time.

6 The next point of relief is to restrain the  
 7 plaintiff from taking the cell phones of, in this case  
 8 now, Alexandra only or interfering with their recording  
 9 of any conversations that plaintiff has with, in this  
 10 case, Alexandra.

11 I don't see any reason why Alexandra  
 12 shouldn't be permitted to keep her cell phone -- I mean  
 13 absent mom removing it from her for purposes of any,  
 14 you know, disciplinary reasons. Sometimes we do that  
 15 with our children, take away their electronics.

16 As far as recording, I really don't like  
 17 any child recording a parent unless they're recording  
 18 behavior which is what I would consider to be  
 19 outrageous, abusive or would demonstrate some type of  
 20 neglect.

21 So, I mean, in short, I'm going to deny  
 22 your request with regard to any absolute restraint, and  
 23 you have my comments on the record with regard to the  
 24 boundaries within which customary use of the cell phone  
 25 should be made available to Alexandra.

30

1 The next point of relief is to recalculate  
 2 child support by imputing income to the plaintiff  
 3 pursuant to the New Jersey Department of Labor's mean  
 4 wage income of \$80,210, which is the Schedule O  
 5 attached to defendant's pleadings. At this point in  
 6 time, I don't have an updated case information  
 7 statement from the plaintiff and tax returns. So I'm  
 8 simply going to deny that without prejudice.

9 But I'm going to, as I get further down  
 10 these points of relief, order her to provide an updated  
 11 case information statement with certain tax returns and  
 12 related attachments, and we'll get to that in a moment.

13 The next point of relief is to restrain the  
 14 plaintiff, except in emergent circumstances, from  
 15 utilizing out-of-network health care providers, and  
 16 that's granted.

17 Next one is modifying paragraph 11 of the  
 18 7-25-17 judgment to allow the defendant to claim both  
 19 daughters as his legal dependents for tax purposes in  
 20 any year where plaintiff is not current in her child  
 21 support by December 31.

22 I will grant that, but I do note, with the  
 23 recent change in the tax law, there may or may not be a  
 24 benefit to you, sir. It's my understanding from a  
 25 recent seminar that it's only available for children

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1 under 17 years of age. So go talk to your accountant,  
2 and this is not -- I'm not giving tax advice --

3 THE DEFENDANT: No. I gotcha.

4 THE COURT: But to the extent it's  
5 available to you, eligible to you, to whatever extent  
6 you may be assisting for college -- you know, that's  
7 another separate tax deduction, and you get a different  
8 form from the college in that regard. To the extent  
9 you're assisting on college, you'll be able to take  
10 advantage of that tax benefit also.

11 But you may claim both as your dependents  
12 if mom is not current with her child support by  
13 December 31 of each tax year.

14 Okay. Next item is directing the plaintiff  
15 to pay defendant \$1,204.17 for his overpayment of child  
16 support while the plaintiff was the parent of -- you  
17 meant alternate residence? Because you say primary  
18 residence.

19 MR. GUSSIS: Well, she was still primary  
20 residence.

21 MR. GEIST: Your Honor, my client --

22 MR. GUSSIS: But she didn't have custody of  
23 the children.

24 MR. GEIST: -- previously had custody.

25 MR. GUSSIS: They were with him.

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1 MR. GEIST: My client previously had  
2 custody before Judge Mawla's order --

3 THE COURT: Oh, of course.

4 MR. GEIST: -- and was receiving child  
5 support from the defendant.

6 THE COURT: Okay.

7 MR. GEIST: That it was essentially  
8 retroactively --

9 THE COURT: He --

10 MR. GEIST: -- modified.

11 THE COURT: Right, because -- because there  
12 was not a new order entered. It was a de facto dad was  
13 the PPR; mom was the PAR at an earlier point in time.  
14 It became de jure by virtue of a subsequent  
15 order/judgment.

16 And so there was a time period wherein dad  
17 should have been receiving child support from mom  
18 rather than the other way around and that's -- now, I  
19 have it correctly right -- stating, Mr. --

20 MR. GEIST: You have it correct. My client  
21 would want me -- because I have discussed this, not  
22 just yesterday, but I've discussed this throughout my  
23 involvement in the other matters.

24 I know my client would want me to state  
25 that her position was there was a court order that she

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1 was supposed to have the children during that time, and  
 2 at the time, the defendant was essentially in violation  
 3 of that court order because it wasn't changed until  
 4 Judge Mawla's judgment.

5 So it would be rewarding -- even though he  
 6 did physically have the children, there's no dispute of  
 7 that, her strong position on that would be he's  
 8 essentially being awarded for self-help by taking the  
 9 children when the order said she was supposed to have  
 10 the children, and then Judge Mawla's judgment changed  
 11 it retroactively.

12 Just to add that --

13 THE COURT: But the date to which he  
 14 changed it retroactively --

15 MR. GEIST: I think it was --

16 THE COURT: -- triggers the 12-04-17. Is  
 17 that the point?

18 MR. GEIST: I mean, it basically triggers  
 19 it to the date that he filed the motion; right? The  
 20 date that he filed the motion asking for the --

21 THE COURT: Well, but Judge Mawla should  
 22 have set the effective date. Whatever the effective  
 23 date was should be the controlling date. So --

24 MR. GUSSIS: And that's what created this  
 25 overpayment.

34

1 THE COURT: Okay.

2 MR. GUSSIS: And the Probation Department  
 3 had confirmed the overpayment.

4 THE COURT: Okay. Noella (phonetics), you  
 5 were standing. Was there something that you wanted to  
 6 add to that?

7 COURT STAFF: Yes, Judge. A probation  
 8 officer from Family Case Management just advised me  
 9 that Ms. Messner is on the phone with him.

10 THE COURT: Okay. Let's dial -- is she --  
 11 she's available or she's trying to call in or --

12 COURT STAFF: No. I can actually let him  
 13 know that we're going to --

14 THE COURT: We'll call her right now.

15 COURT STAFF: -- call her.

16 THE COURT: We'll call her now. Call her  
 17 now.

18 And, obviously, Mr. Geist, I'm going to  
 19 advise her that I'm not going to go back and --

20 MR. GEIST: Of course.

21 THE COURT: -- and summarize what we  
 22 already did up to this point in time. It would be up  
 23 to you to do that, or she can get --

24 MR. GEIST: Of course.

25 THE COURT: -- for \$10 a disc from the

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1 proceeding.  
 2 Go ahead, Kevin.  
 3 THE COURT: I have a commitment at 5:00,  
 4 too. But, of course.  
 5 THE COURT: You have a 5:00 appointment?  
 6 MR. GEIST: Yes, but it's okay. So --  
 7 THE COURT: Okay.  
 8 MR. GEIST: I just meant there's no way we  
 9 could go through all the --  
 10 THE COURT: Regardless. I'm just saying I  
 11 wouldn't do that in any case. Rely upon counsel, rely  
 12 upon the -- the recording that only costs \$10.  
 13 (Phone ringing.)  
 14 THE PLAINTIFF: Hello?  
 15 THE COURT: Hello, Ms. Messner?  
 16 THE PLAINTIFF: Yes.  
 17 THE COURT: Okay. Now, for the record,  
 18 it's 4:22.  
 19 THE PLAINTIFF: (Indiscernible) -- Judge  
 20 Bury? You left ten messages on my phone --  
 21 THE COURT: No. I left three messages, not  
 22 ten messages.  
 23 THE PLAINTIFF: Okay.  
 24 THE COURT: Three.  
 25 THE PLAINTIFF: I said -- I said three

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1 messages you left on my answering machine.  
 2 I was in a doctor's appointment. I've been  
 3 sick all week. I have a blood pressure of 150 over 101  
 4 and a low-grade fever.  
 5 I'm asking you why (indiscernible) a court  
 6 date that I received no notice on, that as far as I was  
 7 aware, there was a court date scheduled or supposed to  
 8 be scheduled for April 1st. (Indiscernible).  
 9 THE COURT: Ms. -- Ms. Messner --  
 10 THE PLAINTIFF: Tell me where the  
 11 notification (indiscernible). Aren't I supposed to be  
 12 notified that there was a hearing that was being --  
 13 (indiscernible).  
 14 THE COURT: Ms. Messner -- Ms. Messner --  
 15 Ms. Messner, what's your home --  
 16 THE PLAINTIFF: (Indiscernible).  
 17 THE COURT: -- what's your home address,  
 18 ma'am?  
 19 THE PLAINTIFF: My house address is 447 4th  
 20 Avenue, Garwood, New Jersey 07027.  
 21 THE COURT: Ms. Messner, we've been sending  
 22 notices -- the Family Case Management has been sending  
 23 notices to you at 7 Franklin Street in Somerset, New  
 24 Jersey. Okay?  
 25 You've gotten other notices for prior court

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1 appearances. Mr. Geist was --

2 THE PLAINTIFF: Hold on. Hold on.

3 THE COURT: Mr. Geist --

4 THE PLAINTIFF: Wait a second. Wait a  
5 second.

6 THE COURT: You hold on a sec -- you hold  
7 on a second and let me finish.

8 THE PLAINTIFF: (Indiscernible).

9 THE COURT: Let me finish what I want to  
10 say on the record about everybody getting notices for  
11 today. Okay?

12 Your attorney, Mr. Geist, was mailed a  
13 notice on February 13, 2019, advising that this matter  
14 was being heard today, not April 1st. Today, March 26,  
15 at 1:30 p.m., sent to him at his law office, 25 Main  
16 Street, Suite 203, Geist Law, in Hackensack, New  
17 Jersey, as was Mr. Gussis, the attorney for the  
18 defendant, also on February 13, 2019.

19 Your attorney was on notice, and you were  
20 sent a notice for today's date at 1:30 at 7 Franklin  
21 Street in Somerset.

22 THE PLAINTIFF: I don't (indiscernible) --

23 THE COURT: And the defendant was sent the  
24 same notice --

25 THE PLAINTIFF: That's not my address.

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1 THE COURT: -- at his address in Somerset.

2 MR. GEIST: If I may --

3 THE PLAINTIFF: That's not my address. My  
4 address is not 7 Franklin in Somerset. I live  
5 (indiscernible) since 2015, and I have notices from  
6 every other -- for every court date, and I was never  
7 got one from this one. This one, I had to get in court  
8 the 1st.

9 And, second of all, the (indiscernible) the  
10 motion on December 18th, 2018 was supposed to be  
11 addressed on February 5th.

12 Now we're dealing with transfer of custody  
13 over to me because Miklos' bad cooperation and  
14 inability to co-parent and because he's refusing me  
15 makeup time and (indiscernible).

16 And I have a transcript of that hearing,  
17 which I believe my attorney has to show you, and on  
18 that transcript, it says (indiscernible) --

19 MR. GEIST: Your Honor, if I may interrupt  
20 my client.

21 THE COURT: Yes.

22 THE PLAINTIFF: (Indiscernible) --

23 THE COURT: Your attorney -- your attorney,  
24 Mr. Geist, is asking to speak.

25 Go ahead.

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1 MR. GEIST: Your Honor, I just wanted to  
 2 clarify the record on a couple of things. Obviously,  
 3 Ms. Messner doesn't know what happened prior, where we  
 4 went through and addressed some of -- or most of all of  
 5 what was in her motion that wasn't addressed the last  
 6 time.

7 But I just wanted to state for the record,  
 8 in regard to the services, an Officer of the Court, and  
 9 as I communicated in chambers to your Honor, that I --  
 10 despite the mailing that your Honor listed, I don't  
 11 know for whatever reason why, but I did not receive  
 12 that court notice. I did receive a fax from Mr.  
 13 Gussis, a couple-sentence fax as I indicated,  
 14 mentioning this date.

15 My office's calendar did have it for April  
 16 1st, as I explained in the letter I sent to your Honor,  
 17 and I had that plenary hearing. I was away last week.  
 18 I had the plenary hearing. It did get settled. I'm  
 19 here today.

20 And Mr. Gussis' letter was really my  
 21 information on that, but I, for whatever reason -- I  
 22 don't know if it matters, but for whatever reason, I  
 23 wanted to state that about the court notice.

24 And last night is when I was basically  
 25 having the conversation with Ms. Messner, straightening

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1 that out, and my office had made some --

2 THE COURT: Yesterday, when you spoke with  
 3 her, you were expecting her to appear today; correct?

4 MR. GEIST: That was the information, your  
 5 Honor.

6 THE COURT: Correct. And then -- and then  
 7 --

8 MR. GEIST: I just wanted to clarify that  
 9 --

10 THE COURT: And then --

11 MR. GEIST: What?

12 THE COURT: -- she had a medical issue  
 13 today that she alleges.

14 THE PLAINTIFF: Your Honor, I  
 15 (indiscernible) --

16 MR. GEIST: She -- she told me about --

17 THE PLAINTIFF: (Indiscernible) --

18 MR. GEIST: She gave me a doctor's note  
 19 yesterday from March 21st.

20 THE PLAINTIFF: (Indiscernible) supposed to  
 21 go to work (indiscernible) with no income coming in.

22 THE COURT: You have no income?

23 THE PLAINTIFF: (Indiscernible) --

24 THE COURT: I'm sorry. You said you have  
 25 no --

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1 THE PLAINTIFF: If I don't -- if I don't  
2 work, I don't get paid. I don't get sick days. I  
3 don't have those kind of benefits. So I was out of  
4 work for like a week -- for a week now and a half with  
5 no income coming in.

6 And so I only learned about this hearing --  
7 it was late last night, and I had a doctor's  
8 appointment to get medical clearance. I'm on  
9 antibiotics. I am sick. There's one doctor's note  
10 (indiscernible), and I have another one that has to  
11 (indiscernible).

12 I'm asking your Honor for an adjournment so  
13 that I could be there to face you and to face Miklos,  
14 because this case is going to Miklos' motion, his  
15 cross-motion, where he wants me to pay this medical  
16 bill.

17 Do you know on the -- when I left the one  
18 hearing on February 5th, your Honor, do you know I had  
19 to find out from one of my patients early in the  
20 morning that my daughter, oldest daughter, was in a car  
21 crash --

22 THE COURT: Ms. -- Ms. Messner --

23 THE PLAINTIFF: -- and I find out  
24 (indiscernible) --

25 THE COURT: Ms. Messner, there is no -- Ms.

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1 Messner, there's no request for reimbursement of  
2 medical expenses in the defendant's motion. There's no  
3 request for that.

4 There's a request for you to comply with  
5 the Judgment of Divorce from July 25th, 2017 about  
6 things such as, first and foremost, sign up for the  
7 parenting coordinator. I've already ordered you to do  
8 that back on --

9 THE PLAINTIFF: I know. I don't have the  
10 money right now.

11 THE COURT: -- on February -- on February  
12 5, 2019. There's no request -- there's a request --

13 THE PLAINTIFF: (Indiscernible). I don't  
14 -- you can't get milk from a stone. I don't have the  
15 money. She wants a \$5,000 retainer.

16 I asked Miklos -- I've been asking him and  
17 his attorney for a doctor (indiscernible), who worked  
18 with me to help me be able to pay for a parenting  
19 coordinator, who's a medical professional.

20 I get no response from the attorney, from  
21 Mr. Gussis. I get no response from Miklos. Okay? No  
22 response. That is the status quo of the co-parenting.  
23 Okay?

24 So even if we had a co-parent -- a parent  
25 coordinator, I don't know how that would help when he's

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1 refusing to even talk. I have messages on the Wizard.  
 2 I'm inviting you to please go onto the Wizard so you  
 3 can see the level of acrimony of Miklos trying to  
 4 extricate me from our children. I -- I'm begging you  
 5 to go on it.

6 THE COURT: Okay.

7 THE PLAINTIFF: I paid for that, your  
 8 Honor.

9 THE COURT: Ma'am --

10 THE PLAINTIFF: I paid for that, for his  
 11 too, for a year.

12 THE COURT: Okay. Ma'am, here's what we're  
 13 doing. Okay? I'm continuing with the hearing. I'm  
 14 going down through the remainder of the relief. There  
 15 are -- these are uncontroverted facts -- okay?

16 THE PLAINTIFF: Uh-huh.

17 THE COURT: -- based upon the pleadings  
 18 that have been filed by the parties. I don't need  
 19 testimony with regard to any of these issues. Okay?

20 Your attorney --

21 THE PLAINTIFF: Well --

22 THE COURT: -- will be able to summarize  
 23 for you -- and there will be an order with regard to  
 24 what I've ordered up to this point in time. You  
 25 continue on the line and listen to the remainder of the

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1 hearing.

2 For \$10, you're able to get a disc of the  
 3 proceeding, and you can hear everything that was said  
 4 up to this point in time.

5 If you decide that you want -- you're  
 6 unsatisfied with any aspect of today's order --

7 THE PLAINTIFF: (Coughing.)

8 THE COURT: -- you are capable of filing a  
 9 motion for reconsideration, which you must do within 20  
 10 days.

11 THE PLAINTIFF: All right.

12 THE COURT: To whatever extent you may or  
 13 may not -- okay? -- be at a doctor's office and/or  
 14 receiving any medical treatment, it would be  
 15 appropriate in such a case that you provide medical  
 16 documentation with regard to same. Okay? Your  
 17 attorney will discuss that with you.

18 THE PLAINTIFF: Okay.

19 THE COURT: Now, moving onto the next point  
 20 of relief --

21 THE PLAINTIFF: Well, I just want to ask  
 22 one thing before you go on.

23 My complaint and my motion that I had filed  
 24 on 12-18-18 was never addressed. Now, when am I going  
 25 to get a hearing (indiscernible) --

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1 THE COURT: It's been addressed earlier --  
2 ma'am, it's been addressed earlier today. That's part  
3 of the relief that I've entered. You will see it as  
4 part of the order. Your attorney will summarize it for  
5 you later. Okay?  
6 I am not going to repeat a half-an-hour or  
7 more worth of decision making --  
8 THE PLAINTIFF: Right, but I have a right  
9 --  
10 THE COURT: -- up to this point in time.  
11 THE PLAINTIFF: -- to be there. I have a  
12 right to be there and face my accusers. I have a right  
13 to be there --  
14 THE COURT: There's no --  
15 THE PLAINTIFF: -- at any hearing that  
16 involves --  
17 THE COURT: There's no testimony that's  
18 being taken from the defendant with regard to these  
19 issues. They're uncon --  
20 THE PLAINTIFF: Well, there should be --  
21 THE COURT: Okay.  
22 THE PLAINTIFF: -- because he's --  
23 THE COURT: Ma'am --  
24 THE PLAINTIFF: There should be, your Honor  
25 --

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1 THE COURT: Ma'am --  
2 THE PLAINTIFF: I don't want to argue with  
3 you, your Honor. I'm respectfully asking you that I be  
4 able to address that motion since -- so that I don't  
5 have to repeat and refile another motion and so Miklos  
6 decided --  
7 THE DEFENDANT: She won't stop.  
8 THE PLAINTIFF: -- to punish me out of  
9 basic fundamental (indiscernible) of major medical  
10 decisions, on major medical (indiscernible) --  
11 THE COURT: There are no medical decisions  
12 -- there's no issue about medical decision-making  
13 before the Court today. That narrow --  
14 THE PLAINTIFF: (Indiscernible) --  
15 THE COURT: That narrow -- please let me  
16 finish.  
17 THE PLAINTIFF: No.  
18 THE COURT: That narrow issue as it related  
19 to surgery for Alexandra was already adjudicated at the  
20 February 5, 2019 hearing. You filed --  
21 THE PLAINTIFF: (Indiscernible).  
22 THE COURT: You filed an application --  
23 THE PLAINTIFF: (Indiscernible).  
24 THE COURT: Please stop talking the same  
25 time I am. I will allow you to respond. Okay? I'm

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1 setting forth on the record why you are incorrect with  
 2 regard to issues of medical decision-making being  
 3 decided here today. Incorrect, wrong. Decided on  
 4 February 5, 2019.

5 Your attorney asked for a stay of that  
 6 decision to prevent Alexandra from having the surgery  
 7 on her ankle, as I authorized. He then filed, on an  
 8 emergent-application basis, for leave to file an  
 9 appeal, which was denied by the Appellate Division.

10 You now -- counsel has advised me through a  
 11 letter yesterday or today that you have requested and  
 12 had filed a petition for certification before our New  
 13 Jersey Supreme Court.

14 Before me today, there are no -- I repeat  
 15 -- no remaining medical or medical authorization issues  
 16 before this Court.

17 Now, what did you want to say --

18 THE PLAINTIFF: What I --

19 THE COURT: -- about that issue only.

20 THE PLAINTIFF: What I would like to say  
 21 was all before the surgery. That's all he wants. He's  
 22 been making medical decisions without my knowledge  
 23 (indiscernible) --

24 MR. GEIST: Your Honor, I would advise my  
 25 client not to continue along --

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1 THE PLAINTIFF: (Indiscernible) --

2 THE COURT: -- this line, and I --

3 THE PLAINTIFF: -- and the joint custody  
 4 agreement.

5 MR. GEIST: I would advise my client --

6 THE PLAINTIFF: He also (indiscernible) --

7 MR. GEIST: -- not to continue along this  
 8 line. I further --

9 THE PLAINTIFF: -- parochial high school.  
 10 That I'm upset (indiscernible) --

11 MR. GEIST: I would further advise her --

12 THE PLAINTIFF: Everything that he wants  
 13 that took place --

14 THE COURT: Okay. Ma'am --

15 MR. GEIST: Yeah. I --

16 THE PLAINTIFF: (Indiscernible).

17 THE COURT: Ma'am, your attorney is --

18 THE PLAINTIFF: (Indiscernible).

19 THE COURT: Your attorney -- okay. So I've  
 20 now verified again there's no medical decision-making  
 21 issues before the Court today. I have taken no  
 22 testimony --

23 THE PLAINTIFF: What about Olivia's car  
 24 crash? --

25 THE COURT: -- from the defendant.

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1 THE PLAINTIFF: What about Olivia's car  
2 crash?  
3 MR. GEIST: Your Honor --  
4 THE PLAINTIFF: (Indiscernible) --  
5 THE COURT: Olivia's car crash is not an  
6 issue before the Court today. You are talking --  
7 THE PLAINTIFF: Yes, it is. It is --  
8 THE COURT: It is not --  
9 THE PLAINTIFF: You know why it is?  
10 Because --  
11 THE COURT: It is not before the Court.  
12 There is nothing --  
13 THE PLAINTIFF: (Indiscernible) --  
14 MR. GEIST: Your Honor, I would advise my  
15 client to --  
16 THE PLAINTIFF: It is before the Court  
17 because my motion that I filed states that this was --  
18 one of the biggest complaints was he leaves me out of  
19 any -- anything that's pertinent and relevant to the  
20 welfare of our children, and that's a major medical  
21 decision, when she was in-patient hospital with  
22 seizures and he didn't tell -- let me know about it. I  
23 had to find out from a parent -- oh, not a parent. My  
24 daughter's wrestling coach, your Honor. She's a -- my  
25 patient.

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1 That is inappropriate, unacceptable. That  
2 violates the joint custody agreement.  
3 THE COURT: All right.  
4 THE PLAINTIFF: If you think it's okay for  
5 --  
6 THE COURT: If you -- if you think --  
7 THE PLAINTIFF: -- to have my daughter in a  
8 car crash --  
9 THE COURT: Ms. Messner --  
10 THE PLAINTIFF: -- and he doesn't tell  
11 about it.  
12 THE COURT: If you think -- if you think  
13 that there needs to be a change in medical decision-  
14 making authority between you and the defendant, then  
15 you need to file a motion before the court to address  
16 same.  
17 That is not -- I repeat. That is not an  
18 issue before this Court with regard to this hearing  
19 today, nor --  
20 THE PLAINTIFF: What about the transfer of  
21 custody?  
22 THE COURT: Ma'am, that's not -- there's no  
23 transfer of custody issue here.  
24 THE PLAINTIFF: Yes. That was my request.  
25 That was --

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1 THE COURT: No.

2 THE PLAINTIFF: That's what the 12-18-18  
3 motion was about, transferring custody based on Mill  
4 versus Frieberg (phonetics) and Nufrio --

5 THE COURT: Okay.

6 THE PLAINTIFF: -- versus Nufrio. That was  
7 certainly what I was trying to have adjudicated before  
8 you on February 5th.

9 THE COURT: Well, I'm not transferring  
10 custody, ma'am. There is no -- I'm not ordering a  
11 plenary hearing. There's no substantial and permanent  
12 change with regard to the relationship of these  
13 children to their parents, and anything that's going --

14 THE PLAINTIFF: There is a significant  
15 (indiscernible) --

16 THE COURT: I do not --

17 MR. GEIST: Your Honor --

18 THE COURT: -- so find. Okay?

19 MR. GEIST: Your Honor, if I may, I just --  
20 I don't want to go through everything that happened, as  
21 we discussed before. It would be impossible. I'm  
22 going to share the recording with my client.

23 But I wanted my client to know a lot of  
24 this has been discussed, and I wanted her to -- I was  
25 advising her to stop along those lines because some of

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1 the decisions have gone in her favor, and I don't want  
2 the Court to reconsider anything.

3 And I wanted my client to know that one of  
4 these requests was to suspend her parenting time and  
5 your Honor denied that request.

6 THE COURT: That's correct.

7 MR. GEIST: And I wanted her to know --

8 THE COURT: There was a request by the  
9 other side to deny -- to suspend your parenting time  
10 because you haven't followed the judgment of Judge  
11 Mawla, July -- since July 25 of 2017 and even my own  
12 order of February 5, 2019 as it relates to signing up  
13 for the parent coordinator.

14 THE PLAINTIFF: But, your Honor --

15 THE COURT: But I denied that.

16 THE PLAINTIFF: -- if I don't have money,  
17 what recourse do I have? That's bullying me.

18 THE COURT: You never said anything --

19 THE PLAINTIFF: I said I have no money.

20 THE COURT: You never raised any issue  
21 about inability to pay the retainer when you were here  
22 on February 5 --

23 THE PLAINTIFF: Yes, I did.

24 THE COURT: -- 2019.

25 THE PLAINTIFF: Yes. I have the

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1 transcript, Jared. Show him the transcript where I  
 2 said that that -- that the law firm Judge Mawla ordered  
 3 wanted a \$10,000 retainer and that I have no ability to  
 4 pay it.

5 THE COURT: Well, the law firm --

6 THE PLAINTIFF: Show him the transcript  
 7 where I said that.

8 THE COURT: -- that Judge Mawla appointed  
 9 is no longer in the case. That's Ms. Shimalla is no  
 10 longer --

11 THE PLAINTIFF: Yeah, but I don't have the  
 12 money. So that situation today remains the same. I  
 13 don't have the money.

14 THE COURT: All right.

15 THE PLAINTIFF: So what am I do --

16 THE COURT: Ms. Messner --

17 THE PLAINTIFF: -- if I don't the money?

18 THE COURT: Ms. Messner, then you need to  
 19 file a motion that you claim a change of circumstance  
 20 now that didn't exist at the time of the February 5,  
 21 2019 -- okay? -- order. That's what you're going to  
 22 have to do. It's as simple as that.

23 Now, the next point of relief, defendant  
 24 asks for you to be required to reimburse him \$1,204.17  
 25 for his overpayment of child support while you were the

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1 plaintiff of parent -- you were the parent of primary  
 2 residence on paper, but the children were residing with  
 3 him. I'm going to --

4 THE PLAINTIFF: Oh, no, no, no.  
 5 (Indiscernible).

6 THE COURT: Be quiet, please.

7 THE PLAINTIFF: (Indiscernible) --

8 THE COURT: Ms. Messner, be quiet, please.

9 THE PLAINTIFF: Wait a minute.

10 THE COURT: Ms. Messner --

11 THE PLAINTIFF: (Indiscernible) --

12 THE COURT: -- please stop. I'm going to  
 13 deny the request. You need say nothing.

14 THE PLAINTIFF: Okay.

15 THE COURT: Denied.

16 Next point of relief, directing the  
 17 plaintiff to bring all child support arrearages current  
 18 within 60 days. \$2,879.34 was due and owing as of  
 19 February 1, 2019. Denied.

20 Next request, directing plaintiff to pay  
 21 all parochial school tuition as provided for in the  
 22 judgment of July 25, 2017. It's \$8,680.25 for the  
 23 academic years 2017 through 2018 and 2018 through the  
 24 remainder of 2019. Judge Mawla ordered you to pay 25  
 25 percent. That's your pro rata share, which totalled

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1 \$8,680.25.  
 2 I'm granting it and just saying pay what  
 3 Judge Mawla said you're supposed to pay.  
 4 The next item, direct --  
 5 THE COURT: He said that we agreed to pay  
 6 it. We didn't agree to that.  
 7 THE COURT: Ma'am, it doesn't matter.  
 8 THE PLAINTIFF: (Indiscernible) --  
 9 THE COURT: It doesn't matter if you agreed  
 10 to do it. Judge Mawla ordered it --  
 11 THE PLAINTIFF: No. He --  
 12 THE COURT: -- and that decision is on --  
 13 was on appeal, and the Appellate Division affirmed --  
 14 THE PLAINTIFF: That is not what the order  
 15 said (indiscernible) --  
 16 THE COURT: -- and the Appellate Division  
 17 affirmed his judgment. I have a copy of --  
 18 THE PLAINTIFF: (Indiscernible) --  
 19 THE COURT: I have a copy of the decision.  
 20 THE PLAINTIFF: Mm-hmm  
 21 THE COURT: It's dated February 20 of 2019.  
 22 THE PLAINTIFF: Well, we disagreed with it.  
 23 (Indiscernible) --  
 24 THE COURT: It doesn't matter if you agree  
 25 to it.

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1 THE PLAINTIFF: (Indiscernible) --  
 2 THE COURT: Ma'am, I am not going to  
 3 continue to argue with you. Okay? It is not my order.  
 4 It's the judgment of Judge Mawla. It was appealed.  
 5 The Appellate Division affirmed him.  
 6 I am simply saying do what Judge Mawla  
 7 ordered and the Appellate Division affirmed unless the  
 8 Supreme Court tells you something to the contrary.  
 9 THE PLAINTIFF: All right.  
 10 THE COURT: Next item, directing plaintiff  
 11 to file a complete case information statement by  
 12 February 15, 2019 to include all her income for 2018.  
 13 THE PLAINTIFF: (Sneezes).  
 14 THE COURT: I am ordering you, by May the  
 15 1st, to file a complete, current case information  
 16 statement, and I want you to include all of the  
 17 required attachments as the form references --  
 18 THE PLAINTIFF: Uh-huh.  
 19 THE COURT: -- and you must include your  
 20 2017 and 2018 tax returns, W-2s, 1099s and K-1s for  
 21 both 2017 and 2018.  
 22 Next point of relief, directing plaintiff  
 23 to pay 50 percent of the parochial school tuition for  
 24 the year 2016/2017. The sum is \$4,854.13.  
 25 Did Judge Mawla address this issue in the

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1 judgment?  
 2 THE PLAINTIFF: No.  
 3 THE COURT: Okay. Mr. Gussis, was that  
 4 addressed in the judgment, that earlier year?  
 5 MR. GUSSIS: No, Judge.  
 6 THE COURT: Okay. Denied.  
 7 MR. GUSSIS: It was not --  
 8 THE COURT: Denied.  
 9 MR. GUSSIS: That was the prior -- that was  
 10 the prior agreement between the parties, Judge.  
 11 THE COURT: Denied. Denied.  
 12 Number 13, denying plaintiff any makeup  
 13 parenting time claimed for days she is working on her  
 14 parenting time or for time the children are engaging in  
 15 their activities on plaintiff's parenting time.  
 16 This issue is subject to the parent  
 17 coordinator. Okay? The parent coordinator will make  
 18 those recommendations and will determine whether or not  
 19 there should be makeup time, given the respective facts  
 20 and circumstances in each situation why the parenting  
 21 time did not occur.  
 22 Next point of relief --  
 23 THE PLAINTIFF: One thing that Judge Mawla  
 24 -- one thing, your Honor, is that (indiscernible)  
 25 denied me parenting time to be a direct violation of

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1 the (indiscernible), that both parents have to have  
 2 equal time and an equal relationship with the children,  
 3 and Miklos has denied me that.  
 4 I didn't see my (indiscernible) --  
 5 THE COURT: Let me -- let me --  
 6 THE PLAINTIFF: (Indiscernible) --  
 7 THE COURT: Ms. Messner, let me -- let me  
 8 remind you once again I am not ruling against you with  
 9 regard to that point of relief. I'm just putting the  
 10 parties back in the status quo position where they're  
 11 supposed to be since the time that the Judgment of  
 12 Divorce was entered. Work through the parent  
 13 coordinator. Okay?  
 14 Next item for relief, relieving the  
 15 parents' daughter Olivia, now 18, from complying with  
 16 any parenting time as set forth in the judgment of the  
 17 Court dated July 25, 2017 and relieving her of any  
 18 obligations to plaintiff which would result in  
 19 defendant being penalized for her noncompliance.  
 20 Olivia is now a legal adult. She's over 18  
 21 --  
 22 THE PLAINTIFF: However, (indiscernible)  
 23 she's a minor child (indiscernible). So at least take  
 24 that into consideration and order therapy, the therapy  
 25 that she was denied while -- during the time that she

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1 was a minor.

2 He took her without her -- since she was 15  
3 years old, and then even Judge Mawla and the other  
4 therapist said that both children need to be in  
5 therapy.

6 The reason why Judge Mawla didn't deny --  
7 denied it is he said (indiscernible). He said that I  
8 didn't go, but I had -- I went (indiscernible) and the  
9 children went. And I have Dr. Schuler's billing  
10 statement that shows that I went (indiscernible) --

11 THE COURT: Ms. -- Ms. Messner --

12 THE PLAINTIFF: (Indiscernible) --

13 THE COURT: Ms. Messner, I'm apologizing.

14 I'm interrupting you again, but the point is this.

15 Even if everything you are telling me now is true --  
16 and you would tell me more if I was inclined to take  
17 your testimony about that issue -- it is irrelevant

18 because Olivia is 18. I have no authority. I have no  
19 jurisdiction. I have no power --

20 THE PLAINTIFF: (Indiscernible) --

21 THE COURT: -- to order her. It's up to  
22 her, as an adult, to decide with her parents when she  
23 wants to spend time or if she wants to spend time  
24 either with mom or either with dad. Therefore --

25 THE PLAINTIFF: (Indiscernible). I have

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1 not spoken to her since like we were an (indiscernible)  
2 birthday party. My family was destroyed because of his  
3 kidnapping of the children, and that's why I would like  
4 for the family therapy to be ordered so we all could  
5 have our (indiscernible) to be together.

6 THE COURT: Ms. Messner, you're divorced  
7 for many years now. Okay?

8 THE PLAINTIFF: Really? Why is it --

9 THE COURT: More than a year now, I should  
10 say.

11 THE PLAINTIFF: Okay. But it should have  
12 never happened --

13 THE COURT: Okay.

14 THE PLAINTIFF: I should never  
15 (indiscernible).

16 THE COURT: The family is not going to get  
17 back together. There's not going to be therapy ordered  
18 with regard to Olivia. Okay?

19 THE PLAINTIFF: (Crying).

20 THE COURT: I'm -- I'm sorry that there's  
21 nothing the Court can do at this point concerning any  
22 adult child.

23 THE PLAINTIFF: (Indiscernible) --

24 MR. GEIST: Your Honor, I just wanted to  
25 add for the record it was a judgment after a plenary

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1 hearing. It's an FD case. So there was no marriage or  
 2 divorce. The judgment from Judge Mawla was from the  
 3 trial -- from a plenary hearing. I just wanted to  
 4 state that for the record. That's all.

5 THE COURT: Thank you for that correction,  
 6 sir. You are -- you are correct.

7 The relationship is not going to be  
 8 reconciled and the parties are not going to live  
 9 together with the children.

10 All right. Next item of relief is a  
 11 request for counsel fees in the amount of \$4,425 to be  
 12 paid within 30 days of this order. The Court is going  
 13 to deny the request for attorneys fees. Each side will  
 14 bear their own respective attorney fees.

15 All right. That concludes today's  
 16 proceeding. I'm asking our team leader, Noella  
 17 (phonetics) to please provide to me a draft of the  
 18 order based upon what I've been deciding over the  
 19 course of today.

20 Whether the attorneys have enough time to  
 21 remain or not to get a copy of the order now -- if not,  
 22 we can fax out copies tomorrow. It's already quarter  
 23 to 5, and it's going to be a lengthy order. Okay?

24 THE PLAINTIFF: Your Honor, what we -- you  
 25 know, I just want to let you know that if I did not

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1 (indiscernible). I wish this didn't happen. I wish  
 2 this (indiscernible), and I want you to understand  
 3 that.

4 I want you to understand how my family was  
 5 destroyed because the defendant did not want to drive  
 6 to Garwood, and that was (indiscernible), and I just  
 7 want to say that.

8 I want to thank you for your time and for  
 9 (indiscernible).

10 THE COURT: I'm not doubting the -- I'm not  
 11 doubting the love of either parent for their children,  
 12 ma'am.

13 Okay. That will be the end of the  
 14 proceeding. I'm going to go off the Polycom now, and,  
 15 Kevin, we will now go off the record and conclude  
 16 today's proceeding.

17 I thank everyone. Good day.

18 THE COURT CLERK: Thank you.

19 MR. GEIST: Thank you, your Honor.

20 THE COURT: Thank you.

21 Noella, I'll be in chambers whenever you're

22 --

23 \* \* \* (End of Proceeding) \* \* \*

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CERTIFICATE

I, PATRICIA A. BRILL, C.S.R., the assigned transcriber, do hereby certify the foregoing transcript of proceedings on March 26, 2019, Digital Index Number from 2:58:47 to 4:47:13, is prepared in full compliance with the current Transcript Format for Judicial Proceedings and is a true and accurate compressed transcript of the proceedings as recorded.

/S/PATRICIA A. BRILL, C.S.R.  
AOC NUMBER 470

Date: April 25, 2019

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